

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding No. 4:22-mj-2

22-003-04

**REDACTED APPLICATION FOR
SEARCH AND SEIZURE WARRANT**

I, David Sundet, being first duly sworn, hereby depose and state as follows:

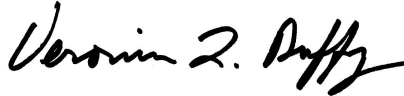
I am a Special Agent for the Drug Enforcement Administration (DEA), assigned to Sioux Falls, South Dakota, and have reason to believe that upon the person and within the property fully described in Attachment A, attached hereto and incorporated herein by reference, there is now concealed certain information, namely: that fully described in Attachment B, attached hereto and incorporated herein by reference, which I believe is property constituting evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses, concerning violations of Title [REDACTED]

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.



David Sundet, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me, telephonically, on the 6th day of January, 2022, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding

No. 4:22-mj-2

22-003-04

**REDACTED SEARCH AND
SEIZURE WARRANT**

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of the person and property described in Attachment A, attached hereto and incorporated herein by reference.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above for the information fully described in Attachment B, attached hereto and incorporated herein by reference, and that such search will reveal evidence of the violations of [REDACTED]

YOU ARE COMMANDED to execute this warrant on or before
January 20, 2022 (not to exceed 14 days)

☒ in the daytime - 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

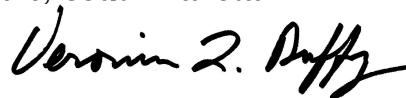
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,

☐ for _____ days (*not to exceed 30*).

☐ until, the facts justifying, the later specific date of _____.

January 6, 2022 at 3 pm CST at Sioux Falls, South Dakota
Date and Time Issued Telephonically



VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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REDACTED RETURN

Date and time warrant executed: _____

Copy of warrant and inventory left with: _____

Inventory made in the presence of: _____

Inventory of the property taken and name of any person(s) seized (attach additional sheets, if necessary):

CERTIFICATION
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.
<div style="text-align: right;">_____ David Sundet, Special Agent Drug Enforcement Administration</div>

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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REDACTED ATTACHMENT A

DESCRIPTION OF PROPERTY TO BE SEARCHED

The property to be searched is all information contained within the following [REDACTED] from the time period of [REDACTED], currently in the custody of the DEA Sioux Falls Resident Office, and are more fully described as:

[REDACTED]

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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No. 4:22-mj-2

REDACTED ATTACHMENT B

DESCRIPTION OF PROPERTY TO BE SEARCHED FOR AND SEIZED

[REDACTED]

[REDACTED]

■ [REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]

■ [REDACTED]

1	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding

No. 4:22-mj-2

22-003-04

**REDACTED AFFIDAVIT IN
SUPPORT OF APPLICATION FOR
SEARCH WARRANT**

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

I, David Sundet, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) for information about the contents of [REDACTED], herein after referred to as the [REDACTED] specifically the information from the data extractions from that property of electronically stored information, which is currently in law enforcement possession.

2. The [REDACTED] are described herein and in Attachment A, and the information to be seized is described herein and in Attachment B.

3. I am an investigative law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), and am authorized by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516. I am a Special Agent with the Drug Enforcement Administration, the U.S. Justice Department and have been so employed since August 2019. I am currently assigned to the DEA Sioux Falls Resident Office (SFRO) in Sioux Falls, South Dakota, and charged with investigating drug trafficking and money laundering violations under Title 18 and Title 21 of the United States Code. I have received 16 weeks of specialized training in Quantico, Virginia, pertaining to drug identification and drug trafficking, undercover operations, and electronic and physical surveillance procedures. Before becoming a Special Agent with the DEA, I was a Texas Peace Officer with the Killeen Police Department of Killeen, Texas, and prior to that, a Federal Maritime Law Enforcement Officer with the U.S. Coast Guard, Department of Homeland Security.

4. The facts in this affidavit come from my personal observations, training

and experience, and information obtained from other law enforcement officers and/or agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge or collective knowledge about this matter.

5. Based on the facts set forth in this affidavit, there is probable cause to believe violations of [REDACTED]

[REDACTED] There is also probable cause to believe the information described in Attachment B will constitute evidence of these criminal violations.

6. A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used primarily for voice communication through radio signals. These telephones send signals through networks of transmitter/receivers called "cells", enabling communication with other wireless telephones or traditional "land line" telephones. A wireless telephone usually contains a "call log", which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones now offer a broad range of capabilities. These capabilities include, but are not limited to: storing names and phone numbers in electronic "address books"; sending, receiving, and storing text messages and email; taking, sending, receiving and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system ("GPS") technology for determining the location of the device.

7. Based upon my training and past investigations, and the investigations of other special agents of the DEA and other law enforcement officers, I am aware that those involved in the unlawful possession of controlled substances often use cellular telephones to facilitate and document the acquisition and possession of controlled substances. Cellular telephones are likely to reveal prior controlled substance possession, contacts called, or messages/calls received pertaining to controlled substances from the contacts, the names and telephone numbers of contacts, and photographs of activity regarding controlled substances. I am aware through training and experience that persons involved in the possession or distribution of firearms and controlled substances, along with other criminal conspirators and criminal groups and/or gangs, often utilize cellular telephones to facilitate communications with and/or store names, addresses and telephone numbers of suppliers, customers, criminal co-conspirators and fellow gang members. I am aware that modern cellular telephones, dubbed "smart phones", have the capability to create, send, receive and store digital media files. Common examples of the media that can be found on a "smart phone" include: photographs, audio and video recordings, text messages, messaging application communications, emails, web browser history, and other digital information. I am aware, through training and experience that these media files may identify suppliers, customers, criminal co-conspirators, provide indicia of gang membership, and detail the methods in which firearms and controlled substances are obtained, expended,

secreted, transferred, and concealed.

PROBABLE CAUSE

8.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. Based upon my training, experience, participation in controlled substance(s) investigations, and my assistance with other law enforcement officers specializing in narcotic investigations with whom I am associated, I know:

- Subjects who possess controlled substances also frequently sell controlled substances to help support their own habits and to make a profit.
- Subjects involved in the possession and/or distribution of one controlled substance frequently possess and/or distribute other controlled substances and/or marijuana.
- I know that illegal drug traffickers take, or cause to be taken, photographs or video movies of themselves, their conspirators, and their property and assets purchased with drug proceeds that are normally kept by drug traffickers in their possession and/or in their residence.
- I know that people who possess cell phones with digital image and video capabilities will often times store images and video on their cell phone or on detachable memory cards and other detachable media. These digital images and videos can include visual depictions of illegal drug use.
- I know that computers can be used to store data and information related to the use, possession and manufacture of illegal drugs to include but not limited to pictures, drug related correspondence, contacts, addresses, chat dialogues, instant messages, e-mail messages internet history, other internet related data and artifacts.
- Based upon my training and experience, I know that individuals who are involved in the possession and distribution of controlled substances and illegal drugs will often times use computers, cell phones, mobile devices and other electronic communication devices to communicate with other individuals who they are receiving or selling illegal drugs to and from. Also, I know that these individuals will use computers, cell phones and mobile devices to keep contact information regarding individuals that they buy illegal drugs from or sell illegal drugs to. In addition, I know that these individuals will use computers, cell phone and mobile devices to keep records regarding illegal drug sales as well as storing image files and video files of illegal drugs.
- Based on my training and experience, I know that subjects involved in the sale and distribution of illegal drugs such as fentanyl, cocaine,

methamphetamine, and illicit pills often use the Internet to search for and purchase these drugs from locations outside of South Dakota and outside of the United States. When purchases of illegal drugs such as this occur the illegal drugs are often shipped to purchaser through the US Postal Service or other mail delivery carriers.

- Based on my training experience, I know that subjects involved in the sale and distribution of illegal drugs such as fentanyl, cocaine, methamphetamine, and illicit pills will often times communicate with persons involved with the sales and distribution of illegal drugs using social media such as Facebook Messenger and other similar social media sites and communication methods.
- Searching computers, cell phones and other electronic storage media for criminal evidence is a highly technical process requiring specific expertise and a properly controlled environment. The vast array of computer and cell phone hardware and software available requires even computer experts to specialize in particular systems and applications, so it is difficult to know before a search which expert is qualified to analyze the particular system(s) and electronic evidence found at a search site. As a result, it is impossible to bring to the search site all of the necessary personnel, technical manuals, and specialized equipment to conduct a thorough search of every possible computer system. In addition, electronic evidence search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password-protected, or encrypted files. Since computer and cell phone evidence is extremely vulnerable to inadvertent or intentional modification or destruction, a controlled environment is essential to ensure its complete and accurate analysis.

20. Based upon the information set forth herein, I have probable cause to believe that the [REDACTED]

ELECTRONIC DEVICES AND STORAGE

21. As described above and in Attachment B, this application seeks permission to search and seize information and data the [REDACTED] might contain from the time period of [REDACTED], and in whatever form they are stored. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Even when a user deletes information from or damages a device, it can sometimes be recovered with forensic tools. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

22. Searching for the evidence on digital media may require a range of data analysis techniques. In some cases, agents and computer analysts may be able to conduct carefully targeted searches that can locate evidence without requiring time consuming manual searches through unrelated materials that may be commingled with criminal evidence. In other cases however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide information, encode communications to avoid using key words, attempt to delete information to evade detection, or take steps designed to frustrate law enforcement searches for information. These steps may require agents and law enforcement or other analysts with appropriate expertise to conduct more extensive searches, such as scanning storage areas unrelated to things described in Attachment B, or briefly viewing all stored information to determine whether it falls within the scope of the warrant. In light of these difficulties, the Drug Enforcement Administration intends to use whatever analysis techniques appear necessary to locate and retrieve the evidence described in Attachment B.

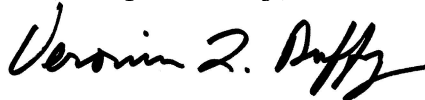
AUTHORIZATION REQUEST

23. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).



David Sundet, Special Agent
U.S. Drug Enforcement Administration

Subscribed and sworn to before me, telephonically, this 6th day of
January 2022.



VERONICA L. DUFFY
United States Magistrate Judge